



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

August 3, 2016

Regular Session

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Eric Hirst

Patricia Jones

Anthony Raynsford

Max Schultz

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, ***applicants may make a five-minute presentation.***
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. ***Each speaker will have two minutes.***
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- ***The Historic Landmarks Commission will take action on the item.***

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. ***Each speaker will have two minutes.***
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ***The Historic Landmarks Commission will comment on the referral item.***

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

Commissioner Hirst Absent

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

No Items

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

- a. **[Santana West Project Rezoning and Draft Environmental Impact Report \(File No. PDC14-068\).](#)**
PROJECT MANAGERS, JOHN TU & DAVID KEYON

Recommendation:

1. Discussion and input regarding the Cultural Resources analysis and conclusions of the Draft Environmental Impact Report (DEIR) for the Santana West Project, and the proposed Planned Development Rezoning of six parcels, at the northwesterly corner of Olsen Drive and Winchester Boulevard, from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District, to allow up to 970,000 square feet of office use and 29,000 square feet of commercial/retail use on an approximately 12.99 gross acre site.

Staff summarized the project application. Monica Melkesian, a representative of the project applicant, spoke in support of the project as it complements the adjacent Santana Row development and supports the Envision San Jose 2040 General Plan goals and policies to provide job creating development. A number of members of the public spoke in opposition of the proposal to remove the exterior walls of the Century 21 Theater and reuse of the frame of the building as open space. Members of the public stated the need for a performance venue in West San Jose, and spoke in support of an alternative to reuse the building as a performance venue. One member of the public spoke in support of the proposal to reuse the frame of the building as open space. One member of the public spoke in support of preservation and incorporation of the Bob's Big Boy/Flames restaurant building into the project.

The Commission discussed the project. Commissioner Raynsford moved to forward the following comments on behalf of the Historic Landmarks Commission to the Director of Planning, Building and Code Enforcement, and to the City Council for consideration:

- The Commission emphatically opposes the proposal to remove the exterior walls of the Century 21 Theater and reuse the frame as open space. Reuse of the Century 21 building frame as open space would destroy the integrity of the building and is contrary to the Historic Preservation goals and policies of the Envision San Jose 2040 General Plan that emphasize the importance of preservation of the City's irreplaceable historic resources. The Commission notes that the community at large has demonstrated great affection for the Century 21 Theater, as evidenced by the members of the public who attended the Commission's meeting to testify in support of full preservation of the building.
- It is most appropriate to reuse the Century 21 Theater building in a manner similar to its historic use to protect the integrity of the historic resource. The building should be rehabilitated and reused as an entertainment venue, ideally one for film screenings. The Commission notes that a number of members of the public who spoke before the Commission identified a need for a performing arts venue in the area. Partnerships with performing arts organizations should be explored for rehabilitation and reuse of the building.
- The Commission is concerned regarding the potential loss of the perception of open space surrounding the Winchester House after the construction of the proposed large buildings within its immediate vicinity. The project should be designed to maintain the perception of open space surrounding the Winchester House, including retention of the mature trees on the project site that add to the perception of open space.
- All efforts must be taken to preserve the Bob's Big Boy/Flames restaurant building. Additional analysis is necessary to determine if the building can either be incorporated into the project in its current location, relocated on-site, or relocated elsewhere so that it is not demolished. As part of project implementation an appropriate alternative to demolition that preserves the historic integrity of the building should be taken.

Commissioner Jones seconded the motion. The motion was approved (5-0-1, Hirst Absent).

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Mr. Larry Ames stated that the National Parks Service has received and is still evaluating the nomination of the Willow Glen Trestle to the National Register of Historic Places. He expects to receive a decision on the appeal of the decision regarding the CEQA lawsuit filed by the Friends of the Willow Glen Trestle.

6. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

Staff informed the Commission that construction to rebuild a portion of the exterior that was demolished and restore the remaining historic façade of the City Landmark Ken Ying Low Chinese restaurant, located at 625 N. 6th Street, is completed. Staff will provide photos of the building before and after the construction at the next Historic Landmarks Commission meeting.

Staff informed the Commission that the interpretive display panels to commemorate the former Donner-Houghton House have been installed at the new affordable housing project on the former site of the house, as was required by Historic Preservation Permit File No. HP14-003.

Commissioner Schultz asked staff about the status of the application to build a tower addition to the Hotel Montgomery City Landmark. Staff stated that a Preliminary Review application was filed and brought to the Design Review Committee, feedback regarding the proposal was provided to the applicant by Planning Staff, and no formal development application for the project has been received.

2. Future Agenda Items

Staff expects to bring a Historic Preservation Permit for an addition to a single family residence that is a Contributing Structure to the Hensley Historic District to the next meeting. A referral of the Site Development Permit for the Museum Place project, a high rise located at 180 Park Avenue, will likely come before the Commission at the next meeting for a referral due to its proximity to the Civic Auditorium City Landmark.

3. Summary of communications received by the Historic Landmarks Commission

No communications received.

4. Notification pursuant to City Council Policy on Preservation of Historic Landmarks that Conditional Use Permit (File No. CP16-029) was filed on June 16, 2016 for construction of a 91,714 square foot, 94 unit residential care facility on the site of the Smith House City Landmark (File No. HL86-31). The project would result in on-site relocation of the Smith House and relocation and restoration of associated accessory structures.

Staff informed the Commission that the subject project will be brought before the Commission at the next meeting, pursuant to the City Council Policy on Preservation of Landmarks, in order for the Commission to provide recommendations regarding the information to be included in the analysis of the project.

- b. Update on Levitt Pavilion and St. James Park Design Competition

Staff informed the Commission that the Commission's comments regarding the Notice of Preparation of a Draft Environmental Impact Report from the June 1, 2016 meeting were provided to Planning staff in a comment letter that was signed by the Chair. Staff provided an update regarding the Design Competition that four finalist design teams were chosen to move to the second phase of the competition and that the jury selection of the winning design is expected to take place in October. The Commission requested that staff place on the next agenda a discussion of options for the Commission to be formally involved in the review process for the finalist designs.

- c. Report from Committees

1. Design Review Subcommittee (Saum and Jones)
Meets the 3rd Wednesday of the month as necessary

Staff read a summary of the Committee's recommendations from the June 15, 2016 meeting where the Committee evaluated: 1) File No. CP16-014, a Conditional Use Permit to allow the demolition of an existing commercial building and to construct a six story Residential Service Facility at 278 N. 2nd Street; 2) and File No. PRE16-062, a Preliminary Review application for a 21-story addition to a historic resource, the Hotel Montgomery, located at 211 S. 1st Street.

- d. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [June 1, 2016](#)

Staff noted that the draft Action Minutes incorrectly identified Mr. Brian Grayson as a member of the Friends of Levitt Exploratory Committee, where Mr. Grayson is actually a member of the Levitt Pavilion Steering Committee.

Commissioner Shultz moved to approve the Action Minutes for the Historic Landmarks Commission meeting of June 1, 2016 with a modification to identify Mr. Brian Grayson as a member of the Levitt Pavilion Steering Committee. Commissioner Raynsford seconded the motion. The motion was approved (5-0-1, Hirst absent).

- e. Status of Circulating Environmental Documents: Negative Declarations
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports
<http://www.sanjoseca.gov/index.aspx?NID=2434>

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.